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Approved For Release 2004/01/13 : CIA-RDP80R01731R000800150010-1
THE SECRETARY OF DEFENSE

WASHINGTON 25, D. C.

17 NOV 1950

MEMORANDUM FOR THE DIRECTOR, CENTRAL INTELLIGENCE AGENCY

SUBJECT: The Wartime Status and Responsibilities of the
Central Intelligence Agency and its Field Agencies.

The Joint Chiefs of Staff in a memorandum to the Secretary of Defense dated 11 August 1950 on the above subject, recommended that he present a proposed revision of NSCID 5 to the National Security Council for its concurrence. (One Copy of memorandum with enclosure attached.)

The action recommended by the Joint Chiefs of Staff was held in abeyance for the reasons that the proposal had not been coordinated with other interested departments or agencies and also that matters pertinent to the Joint Chiefs' proposal covered in NSC 50 were then under consideration. Furthermore it was thought to be inadvisable to act on the proposals prior to your assumption of office as Director Central Intelligence.

Recognizing the inter-relation of clandestine intelligence and covert operations and the importance of coordinating all such activities with the Department of Defense, including the Joint Chiefs of Staff, and other interested departments and agencies, it is recommended that you discuss these matters with the appropriate departments and agencies and formulate recommendations for consideration by the National Security Council.

OSD REVIEW COMPLETE



Enclosures

JCS review(s) completed.

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THE JOINT CHIEFS OF STAFF

WASHINGTON 25, D. C.

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11 August 1950

MEMORANDUM FOR THE SECRETARY OF DEFENSE:

Subject: The Wartime Status and Responsibilities
of the Central Intelligence Agency and
its Field Agencies.

1. NSC 50 states that "It may be determined that certain functions and responsibilities (of CIA) should be under the control of the military in time of war." The Joint Chiefs of Staff have studied the functions and responsibilities of the Central Intelligence Agency (CIA) and consider that, in time of war or national emergency, the covert activities which the CIA conducts in theaters of operation should be under the control of the Joint Chiefs of Staff and that the plans for such activities, both those prepared in time of peace and war, should be coordinated with the Joint Chiefs of Staff.

2. The National Security Council, in NSC 10/2 dated 18 June 1948, included the recommendations of the Joint Chiefs of Staff contained in their memorandum to you dated 17 June 1948, which provide authority for the wartime control by the Joint Chiefs of Staff over the covert operations which CIA may conduct in theaters of operation. NSC 10/2 states that "In time of war or national emergency, or when the President directs, all plans for covert operations shall be coordinated with the Joint Chiefs of Staff, and the execution of covert operations in military theaters shall be under the control of the Joint Chiefs of Staff." NSC 10/2, however, in defining "covert operations" states that "Such operations shall not include armed conflict by recognized military forces, espionage and counterespionage, and cover and deception for military operations."

3. The Joint Chiefs of Staff in November 1949 established, under their control, an agency known as "The Joint Subsidiary Plans Division (JSPD)," which, in wartime, would become the agency by means of which the Joint Chiefs of Staff would provide continuous direction and guidance to the commanders under their control and effect policy control and direction over those

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functions of CIA relating to covert operations in theaters of military operations. Our memorandum of 3 November 1949, and your memorandum of 18 November 1949 refer to this matter. By National Security Council Intelligence Directive (NSCID) No. 5, dated 12 December 1947, the Central Intelligence Agency is charged with conducting espionage and counterespionage operations abroad.

4. Coordination of planning for espionage and counter-espionage operations with that for covert operations is believed necessary to meet wartime or national emergency requirements, and the Joint Chiefs of Staff believe that they should exercise similar wartime control of such espionage and counterespionage activities of CIA, authorized by NSCID 5, as are conducted in theaters of operation.

5. The Joint Chiefs of Staff therefore recommend that you present the attached draft revision of NSCID 5 to the National Security Council with a view to obtaining its concurrence.

For the Joint Chiefs of Staff:

Lt. General Omar N. Bradley

OMAR N. BRADLEY,
Chairman,
Joint Chiefs of Staff.

Enclosure (4 copies).

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CENTRAL INTELLIGENCE AGENCY
WASHINGTON 25, D. C.

16 AUG 1950

MEMORANDUM FOR: Brigadier General John Magruder
Office of the Secretary of Defense

SUBJECT: Proposed Revision of National Security
Council Intelligence Directive No. 5,
Espionage and Counterespionage Operations.

1. Pursuant to your request, there is submitted herewith comments on the proposed revision of NSCID No. 5 as prepared by the Joint Chiefs of Staff.

2. It is believed that these papers are in some respects contrary to CIA's statutory responsibilities and those responsibilities under the existing directives. CIA was not represented in the discussions leading up to the preparation and approval of the JIC 445/1, nor have we been afforded an opportunity to submit comments or recommendations. I believe it is obvious that any paper relating so directly to our specific Agency responsibilities should be completely coordinated with us prior to action on the part of any agency.

3. The proposed NSCID is confusing in that several matters are not even mentioned in the proposed revision and it is not understood how they will be fitted into this new proposed NSCID. For example,

(a) It appears that this proposed NSCID is a unilateral action and that the representatives of the State Department and of the National Security Resources Board, both of whom have an interest, not only through being users of the product but also a statutory responsibility as members of the National Security Council, were not consulted.

(b) In NSC 50, directions, which at this time still are dormant but have not been rescinded, were given to combine the activities of OFC, OSO, and the Contacts Branch in one Office of Operations. In the proposed NSCID there is made no mention of the Contact Branch and if the provisions of NSC 50 are carried out and then later, as proposed in the Joint Chiefs paper, OSO functions are placed under the control of the Joint Chiefs, it seems as if the Contact Branch will be left out on a limb. I think this should be cleared up either in NSC 50 or in this new paper.

4. The status in time of war of the covert activities with which CIA is charged has been a subject of discussion at all levels for several years. CIA feels that none of the past discussions, recommendations, and directives should be considered dogma which will govern

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CLASS. CHANGED TO: TS S

AUTH: HR 70-2

DATE: 18 MAR 1988

REVIEWER: ☐

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ordinating point of the other covert functions. The Congress has given CIA ample and unique authority to provide for secure financing of covert functions and also has given the Agency authority to equip its own communications system, which is currently carrying out its mission to support all covert activities.

7. In time of war or of an emergency approaching a state of war, it is again axiomatic that all plans and activities of the Government, including the covert, which relate directly to the conduct of the war, must be closely coordinated with the Joint Chiefs of Staff, and that, in active theaters of war, covert activities relating directly to the mission of the theater commander must be coordinated with him to the fullest extent necessary to assure that they support his mission.

8. The axioms set forth in paragraphs 6. and 7. are not mutually exclusive but present a problem, the solution of which requires the utmost in careful coordination and planning. As between the Director of Central Intelligence and the Department of Defense, the National Security Council has ultimate jurisdiction to determine the general areas of control and supervision. Generally covert operations (as opposed to covert intelligence activities, i.e., espionage and counter-espionage) should be planned with the guidance of JCS, and upon information supplied by JCS, insofar as such operations are directly related to the war in progress. This will serve to keep the JCS completely informed on pertinent covert operations and it will enable them to bar operations which they may deem detrimental to the prosecution of the war.

9. In theaters of operation, liaison between CIA and the theater commander must be established at a level to insure that the theater commander is completely informed of those covert activities directly related to his mission and of other covert activities based in or controlled by his theater which may have an effect on his mission. Such liaison can be effective only at the Chief of Staff level. Those covert activities within the theater or directly related to its mission must be completely coordinated in every phase with the theater commander and, where requiring his logistic support, of necessity must be to that extent under his control. Where no support from the theater commander is required, the theater commander must be completely informed to the extent necessary to assure that covert activities will not impede, or interfere with, his mission. CIA communications containing intelligence should be available to the theater commander through appropriate channels as should communications relating to administrative or operational problems affecting his command. Under no circumstances should the Joint Chiefs or the theater commander have control over the CIA budget or fiscal matters.

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10. Except as set forth above, the national intelligence mission of CIA shall continue in time of war or emergency as in time of peace. Its covert activities unrelated to the war in progress and particularly its long-range espionage and counterespionage missions outside the theaters of operations should not in any way be subject to control by the Joint Chiefs. CIA should keep the Joint Chiefs informed of such extra-belligerent activities in order that such as may impinge on the progress of the war may be known to the Joint Chiefs, and concomitantly the Joint Chiefs should keep CIA informed of war plans and progress so that CIA may fulfill its responsibility to them.

11. While the Joint Chiefs may see fit to delegate their responsibilities hereunder to "the Joint Subsidiary Plans Division (JSPD)", all basic problems are to be resolved between the Director of Central Intelligence on one hand and the Joint Chiefs on the other, and, upon failure to achieve such a resolution, appeal must be made to the final authority in the form of the National Security Council.

12. I am enclosing another draft of a new NSCID No. 5 which is considered by this Agency to more nearly meet the essential requirements of CIA responsibilities than those set forth in the draft proposed by the Joint Chiefs of Staff.

A. B. HILLENKOTTER
Rear Admiral, USN
Director of Central
Intelligence

Enclosure:

Draft of Proposed New NSCID No. 5

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MEMORANDUM TO: GENERAL SM. 1

*(per IBIC)
This was
answered
by str to
Gen. Marshall
dtd 26 Dec 50*

As you know, we made informal
comments to General Magruder (Tab A)
on the subject of the attached memo-
randum from Mr. Lovett.

would like to talk
with you on this at your convenience.

JSE

See me at your convenience

20 November 1950
(DATE)

FORM NO. 10-101 OCT 1950

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